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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,321	03/13/2001	Scott A. Hermreck	580745.004	1791
758 7590 10/31/2007 FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER BUCHANAN, CHRISTOPHER R	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/805,321

Applicant(s)

HERMRECK ET AL.

Examiner

Christopher R. Buchanan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-15,18-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4,10-15 and 18 is/are allowed.
- 6) ☒ Claim(s) 1,6-9,19,20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-9, 19, 20, and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Price (US 2002/0120539 A1) in view of Hodges (US 2002/0116290 A1) and further in view of TurboTax (provided by applicant).

Regarding claims 1 and 19, Price discloses a computer-implemented method for tracking charitable donations, said method comprising the steps of: storing in memory data indicative of one or more non-cash donatable items (page 2, [0020]); prompting a user to select one or more of said non-cash donatable items that has been charitably donated in one of said tax years and to indicate the tax year in which the selected non-cash donatable item was donated (page 4, [0035] – [0036]); and receiving related data from one or more partner servers to update local databases (see Fig. 3, [0039]).

Separating the various donations into different categories and performing operations (totaling valuations, exporting category totals, etc.) on them are well-known accounting techniques. Use of these techniques and the particular categories, operations, and types of data communicated would be a matter of design choice. Furthermore, it is

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common practice (by the IRS) to provide limits above which certain tax forms must be filled out (see 1040 tax forms).

Price does not explicitly disclose determining a valuation for the non-cash donation or retrieving the tax-deductible valuation associated with the non-cash donation.

Hodges discloses determining a valuation associated with each non-cash donatable item for a current tax year and at least one previous tax year (page 1, [0007]).

TurboTax discloses retrieving the tax-deductible valuation associated with selected non-cash donatable items for the indicated tax year from memory (inherent in importing data, page 12); and storing said selected non-cash donatable item, indicated tax year and retrieved tax-deductible valuation in said memory in association with each other (from the system's server memory).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the system of valuing non-cash donations, as taught by Hodges, into the system of Price because it would facilitate donations (non-cash donations) from potential donors to recipients. Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the system of importing data from memory, as disclosed by TurboTax, into the system of Price because it would make tracking tax records easier.

Regarding claims 6-9, 20, and 22-24, the above rejection applies. Price discloses a computer-implemented method further comprising the step of updating said memory with a current set of data indicative of said one or more non-cash donatable

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items and a current tax-deductible valuation associated with said donations; presenting the user with informative data based upon said non-cash donatable items selected by the user (see abs, page 4, [0035] – [0036]). The details of the data (item description, sales amount, etc.) and particular steps of data operations (exporting files, storing data, exporting files, etc.) would be matters of design choice.

Allowable Subject Matter

3. Claims 3, 4, 10-15, and 18 are allowed.
4. Regarding claims 1 and 19, the examiner notes that addition of limitations reciting that a donated item's valuation is calculated based on the received sales data would make these claims allowable over the prior art.

Response to Arguments

5. Applicant's arguments filed June 22, 2007 have been fully considered but they are not persuasive. Some of the subject matter identified by the previous examiner as allowable subject matter is not considered to be allowable subject matter by the current examiner. Addition of this identified subject matter to the independent claims does not necessarily place them in condition for allowance.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB


F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER

10/26/07